

REMARKS

The present invention is an operable device to be used in a vehicle. The operable device includes an operating panel 14 through which a user can cause at least one of producing existing operating states or changing existing operating states of the operable device. A decision unit 15 receives data for determining the vehicle-specific conditions by evaluating the received data and converts the conditions into a driving profile and blocks or releases existing operating states of the operable device based on the driving profile. The use of driving profiles by the invention is described on pages 5 and 6 of the specification. Moreover, fluctuation of driving speed of the vehicle over a time period may be used for the blocking of operating states or releasing of operating states of the operable device based on the measured fluctuation. See paragraph [0018] on page 5 of the Substitute Specification.

Claims 1-8 stand rejected under 35 U.S.C. §102 as being anticipated by EP 0 851 699 (Mamori et al). This ground of rejection is traversed with respect to newly submitted claims 9-24 for the following reasons.

Claim 9 recites an operable device to be used in a vehicle, comprising: an operating panel through which a user can cause at least one of producing existing operating states or changing existing operating states of the operable device; and a decision unit, coupled to the operating panel, which receives data for determining vehicle-specific conditions by evaluating the received data and converts the vehicle-specific conditions into a driving profile and

blocks or releases the existing operating states of the operable device based on the driving profile; and Claim 10 recites an operable device to be used in a vehicle, comprising; an operating panel through which a user can cause at least one of producing existing operating states or changing existing operating states of the operable device; and a decision unit, coupled to the operating panel, which receives data for determining vehicle-specific conditions by measuring fluctuation of a driving speed of the vehicle over a time period and blocks or releases the existing operating states of the operable device based on the measured fluctuation. There is no counterpart of the claimed decision unit of claims 9 and 10 in Mamori et al.

The decision unit of claim 9 evaluates the received data and converts the conditions into a driving profile and blocks or releases existing operating states of the operable device based on the driving profile and the decision unit of claim 10 measures fluctuations of a driving speed of the vehicle over a time period and blocks or releases the existing operating states of the operable device based on the measured fluctuations which have no counterpart in Mamori et al. Mamori et al functions to control operating states as a function of speed detected by speed detecting circuit 3. There is no disclosure in Mamori et al of converting vehicle specific conditions into a driving profile as recited in claim 9 and further measuring fluctuation of driving speed of the vehicle over a period of time and blocking and releasing operating states based on the measured fluctuation as recited in claim 10.

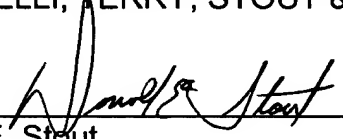
Moreover, there is no basis in the record why a person of ordinary skill in the art would be led to modify the teaching of Mamori et al to arrive at the subject matter of newly submitted claims 9 and 10.

Dependent claims 11-24 define more specific aspects of the present invention which are neither anticipated nor rendered obvious by Mamori et al.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (1117.40456X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

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